

# SENATE BILL NO. 1405

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

5575S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 42, RSMo, by adding thereto one new section relating to compensation for advising or assisting in veterans benefits matters, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 42, RSMo, is amended by adding thereto  
2 one new section, to be known as section 42.028, to read as  
3 follows:

42.028. 1. As used in this section, the following  
2 terms mean:

3 (1) "Compensation", payment of any money, thing of  
4 value, or financial benefit;

5 (2) "Person", an individual, corporation, business  
6 trust, estate, trust, partnership, limited liability  
7 company, association, joint venture, public corporation,  
8 government or governmental subdivision, agency, or  
9 instrumentality, or any other legal or commercial entity.  
10 The term "person" shall not include the Missouri veterans'  
11 commission;

12 (3) "Veterans benefits matter", the preparation,  
13 presentation, or prosecution of any claim affecting any  
14 person who has filed or expressed an intent to file a claim  
15 for any benefit, program, service, commodity, function, or  
16 status, entitlement to which is determined under the laws  
17 and regulations administered by the United States Department  
18 of Veterans Affairs or the Missouri veterans' commission,

19 pertaining to veterans, their dependents, their survivors,  
20 and any other individual eligible for such benefits.

21 2. Except as permitted under federal law, no person  
22 shall receive compensation for advising or assisting any  
23 individual with regard to any veterans benefits matter.

24 3. No person shall receive compensation for referring  
25 any individual to another person to advise or assist this  
26 individual with any veterans benefits matter.

27 4. A person seeking to receive compensation for  
28 advising or assisting any individual with any veterans  
29 benefits matter shall, before rendering any services,  
30 memorialize all terms regarding the individual's payment of  
31 fees for services rendered in a written agreement, signed by  
32 both parties, that adheres to all criteria specified within  
33 38 CFR 14.636.

34 5. No person shall receive any compensation for any  
35 services rendered before the date on which a notice of  
36 disagreement is filed with respect to the individual's case.

37 6. No person shall guarantee, either directly or by  
38 implication, that any individual is certain to receive  
39 specific veterans benefits or that any individual is certain  
40 to receive a specific level, percentage, or amount of  
41 veterans benefits.

42 7. No person shall receive excessive or unreasonable  
43 fees as compensation for advising or assisting any  
44 individual with any veterans benefits matter. The factors  
45 articulated within 38 CFR 14.636 shall govern determinations  
46 of whether a fee is excessive or unreasonable.

47 8. (1) No person shall advise or assist for  
48 compensation any individual concerning any veterans benefits  
49 matter without clearly providing, at the outset of the

50 business relationship, the following disclosure, both orally  
51 and in writing:

52 "This business is not sponsored by, or  
53 affiliated with, the United States Department of  
54 Veterans Affairs or the Missouri Veterans'  
55 Commission, or any other federally chartered  
56 veterans service organization. Other  
57 organizations, including, but not limited to,  
58 the Missouri Veterans' Commission, your local  
59 veterans service agency, and other federally  
60 chartered veterans service organizations, may be  
61 able to provide you with this service free of  
62 charge. Products or services offered by this  
63 business are not necessarily endorsed by any of  
64 these organizations. You may qualify for other  
65 veterans benefits beyond the benefits for which  
66 you are receiving services here."

67 (2) The written disclosure shall appear in at least  
68 twelve-point font and shall appear in a readily noticeable  
69 and identifiable place in the person's agreement with the  
70 individual seeking services. The individual shall verbally  
71 acknowledge understanding of the oral disclosure and shall  
72 sign the document in which the written disclosure appears,  
73 to represent understanding of these provisions. The person  
74 offering services shall retain a copy of the written  
75 disclosure while providing veterans benefits services for  
76 compensation to the individual and for at least one year  
77 after the date on which the service relationship terminates.

78 9. (1) No person shall advertise for-compensation  
79 services in veterans benefits matters without including the  
80 following disclosure:

81 "This business is not sponsored by, or  
82 affiliated with, the United States Department of  
83 Veterans Affairs or the Missouri Veterans'  
84 Commission, or any other federally chartered  
85 veterans service organization. Other  
86 organizations, including, but not limited to,  
87 the Missouri Veterans' Commission, your local  
88 veterans service agency, and other federally  
89 chartered veterans service organizations, may be  
90 able to provide you with these services free of  
91 charge. Products or services offered by this  
92 business are not necessarily endorsed by any of  
93 these organizations. You may qualify for other  
94 veterans benefits beyond the services that this  
95 business offers."

96 (2) If the advertisement is printed, including, but  
97 not limited to, advertisements visible to internet users,  
98 the disclosure shall appear in a readily visible place on  
99 the advertisement. If the advertisement is verbal, the  
100 spoken statement of the disclosure shall be clear and  
101 intelligible.

102 10. Any person who violates this section is guilty of  
103 a class A misdemeanor.

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